IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4743 OF 2004

IN

CRIMINAL APPEAL NO. 234 OF 2002

Utam Raoji Hulawale .. Applicant

versus

The State of Maharashtra .. Respondents

...

Mr.P.N. Chavan for the applicant.

Mr.A.M. Shringarpure for the State.

CORAM : V.M. KANADE, J

DATED : 24th November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted by the trial Court for having committed an offence punishable u/s.307 of the IPC and is sentenced to undergo RI for a period of

five years. The appeal is already admitted initially by order dated 7th March 2002. The applicant was directed to be released on bail by order of this Court. Accordingly, he was released on bail. However, since the accused by depositing the amount of fine by order dated 12th August 2002, the earlier order of bail was cancelled. Thereafter, another application for bail was filed which was also rejected by this Court by order dated 22nd January 2004. Liberty however is granted to the applicant to apply for bail in the event main appeal is not heard for a period of one year.

3. The applicant is in jail for quite some time. The appeal is not likely to come up for hearing in the near future. The applicant's grievance is that he had paid the amount of fine to the trial Court lawyer who did not deposit the said amount. In view of these peculiar circumstances, I am of the view that the applicant is entitled to be released on bail.

4. The applicant be released on bail on the same terms and conditions as imposed by this Court by order dated 7th March 2002.

5. Application is disposed of in the above terms.

V.M. KANADE, J